

Worth, Tex., Terminal Control Area are revised to read as follows:

AREA C

That airspace extending from 3,000 feet MSL to and including 8,000 feet MSL beginning at Lat. 32°51'45" N., Long. 96°54'30" W.; to Lat. 33°07'15" N., Long. 96°54'30" W.; thence counterclockwise along a 15 NM arc of the Dallas-Fort Worth Airport to Lat. 33°08'44" N., Long. 97°01'47" W.; to Lat. 33°11'43" N., Long. 97°01'47" W.; to Lat. 33°11'30" N., Long. 97°11'30" W.; to Lat. 32°35'20" N., Long. 97°11'30" W.; thence counterclockwise along the 20 NM arc to Lat. 32°33'56" N., Long. 97°01'47" W.; to Lat. 32°38'57" N., Long. 97°01'47" W.; thence counterclockwise along the 15 NM arc to Lat. 32°45'45" N., Long. 96°47'30" W.; thence to point of beginning, excluding Areas A and B.

AREA D

That airspace extending from 4,000 feet MSL to and including 8,000 feet MSL beginning at Lat. 32°45'45" N., Long. 96°47'30" W.; thence clockwise along a 15 NM arc of the Dallas-Fort Worth Airport to Lat. 32°38'57" N., Long. 97°01'47" W.; to Lat. 32°33'56" N., Long. 97°01'47" W.; thence counterclockwise along a 20 NM arc of the Dallas-Fort Worth Airport to Lat. 32°42'00" N., Long. 96°43'10" W.; to point of beginning; and that airspace beginning at Lat. 33°07'15" N., Long. 96°54'30" W.; to Lat. 33°12'00" N., Long. 96°54'30" W.; to Lat. 33°11'43" N., Long. 97°01'47" W.; to Lat. 33°08'44" N., Long. 97°01'47" W.; thence clockwise along the 15 NM arc of the Dallas-Fort Worth Airport to the point of beginning.

(Secs. 307(a) and 313(a), Federal Aviation Act of 1958 (49 U.S.C. 1348(a) and 1354(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); and 14 CFR 11.69.)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 20, 1978.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc. 78-11410 Filed 4-26-78; 8:45 am]

[4910-13]

[Airspace Docket No. 78-RM-08]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE AND REPORTING POINTS

Alteration of Control Zone and Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment alters the Rock Springs, Wyo. Control zone

and 700-foot transition area. The alteration was necessary to provide additional controlled airspace to contain aircraft executing the new VOR/DME runway 7 instrument approach procedure to the Rock Springs-Sweetwater County Airport, Rock Springs, Wyo.

EFFECTIVE DATE: 0901 G.M.T., July 13, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. David M. Laschinger, Operations, Procedures and Airspace Branch, Air Traffic Division, ARM-500, Federal Aviation Administration, Rocky Mountain Region, 10455 East 25th Avenue, Aurora, Colo. 80010, telephone 303-837-3937.

SUPPLEMENTARY INFORMATION:

HISTORY

On March 20, 1978, the FAA published for comment a proposal to alter the Rock Springs, Wyo. control zone and 700-foot transition area (43 FR 11587). The only comment received expressed no objection.

RULE

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR 71) redefines the control zone and 700-foot transition area at Rock Springs, Wyo. The amended control zone and 700-foot transition area will provide adequate controlled airspace to contain the new VOR/DME runway 7 instrument approach procedure to Rock Springs-Sweetwater County Airport, Rock Springs, Wyo.

DRAFTING INFORMATION

The principal authors of this document are Mr. David M. Laschinger, Operations, Procedures and Airspace Branch, Air Traffic Division, and Mr. Daniel J. Peterson, Office of Regional Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended effective July 13, 1978 as follows:

By amending Subpart F, § 71.171 so as to alter the following control zone to read:

ROCK SPRINGS, WYO.

Within a 5.5 mile radius of the Rock Springs-Sweetwater County Airport (latitude 41°35'45" N., longitude 109°04'00" W.); within 3 miles each side of the Rock Springs ILS localizer east course, extending from the 5.5-mile radius zone to 9 miles east of the Thair LOM (latitude 41°35'49" N., longitude 108°58'09" W.); within 3.5 miles each side of the Rock Springs VORTAC 102° radial, extending from the 5.5-mile radius zone to 11.5 miles east of the VORTAC, and within 5 miles each side of the Rock Springs

VORTAC 277 radial, extending from the 5.5-mile radius zone to 18 miles west of the VORTAC.

By amending Subpart G, § 71.181 so as to alter the following transition area to read:

ROCK SPRINGS, WYO.

That airspace extending upward from 700 feet above the surface within 11.5-mile radius of the Rock Springs-Sweetwater County Airport (latitude 41°35'45" N., longitude 109°04'00" W.) Within 12.5 miles north and 4.5 south of the 090° bearing and 12.5 miles north and 7.5 south of the 270° bearing from the Thair LOM (latitude 41°35'49" N., longitude 108°58'09" W.) extending from the 11.5-mile radius area to 18.5 miles east of the Thair LOM and from the 11.5 mile radius area to 32 miles west of the Thair LOM; and within 1 mile north and 6 miles south of the Rock Springs VORTAC 102° radial extending from the 11.5-mile radius area to 18.5 miles east of the VORTAC; and that airspace extending * * *

(Sec. 307(a) Federal Aviation Act of 1958 (49 U.S.C. 1345(a)); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c); 14 CFR 11.69).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Aurora, Colo. 80010, on April 14, 1978.

M. M. MARTIN,
Director,
Rocky Mountain Region.

[FR Doc. 78-11460 Filed 4-26-78; 8:45 am]

[4910-13]

[Docket No. 78-SO-27]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

Alteration of Oxford, Miss., Transition Area

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This rule alters the Oxford, Miss., transition area. The existing transition area will be extended 3 miles east. This is necessary due to the establishment of a public use instrument approach procedure, RNAV Runway 27, to serve the University-Oxford Airport and additional controlled airspace is required to protect aircraft conducting Instrument Flight Rule (IFR) operations.

EFFECTIVE DATE: 0901 G.m.t., June 30, 1978.

ADDRESS: Send comments on the proposal to: Federal Aviation Adminis-

tration, Chief, Air Traffic Division, P.O. Box 20636, Atlanta, Ga. 30320.

FOR FURTHER INFORMATION CONTACT:

William F. Herring, Airspace and Procedures Branch, Federal Aviation Administration, P.O. Box 20636, Atlanta, Ga. 30320, telephone 404-763-7646.

SUPPLEMENTARY INFORMATION: A RNAV Runway 27 instrument approach procedure has been established to serve the University-Oxford Airport and is available for use as soon as an extension to the 700-foot transition area is established for the protection of aircraft conducting instrument operations at the airport. Therefore, since this alteration is minor in nature, notice and public procedure hereon are not considered necessary.

DRAFTING INFORMATION

The principal authors of this document are William F. Herring, Airspace and Procedures Branch, Air Traffic Division, and Keith S. May, Office of Regional Counsel.

ADOPTION OF AMENDMENT

Accordingly, Part 71 of the Federal Aviation Regulations (14 CFR Part 71) is amended, effective 0901 G.m.t., June 30, 1978, by altering the Oxford, Miss., transition area as hereinafter set forth:

In Subpart G, § 71.181 (43 FR 440), by adding the following:

*** within 3 miles each side of the 094° bearing from Runway 27, extending from the 5-mile radius area to 8.5 miles east of the airport ***.

(Sec. 307(a), Federal Aviation Act of 1958, as amended (49 U.S.C. 1348(a)) sec. 6(c) Department of Transportation Act (49 U.S.C. 1655(c)).)

NOTE.—The Federal Aviation Administration has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in East Point, Ga., on April 19, 1978.

GEORGE R. LACAILLE,
Acting Director,
Southern Region.

[FR Doc. 78-11458 Filed 4-26-78; 8:45 am]

[4910-13]

[Airspace Docket No. 77-EA-91]

PART 71—DESIGNATION OF FEDERAL AIRWAYS, AREA LOW ROUTES, CONTROLLED AIRSPACE, AND REPORTING POINTS

PART 75—ESTABLISHMENT OF JET ROUTES AND AREA HIGH ROUTES

Alteration, Revocation and Designation of Jet Routes, Control Areas, Transition Areas and Compulsory Reporting Points

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Correction to final rule.

SUMMARY: In a rule published in the FEDERAL REGISTER of April 13, 1978, Volume 43, page 15415, "the TUNNA INT (INT of Kennedy, N.Y., 143° radial, 128NM from Kennedy) via Kennedy;" was inadvertently omitted in the amendatory paragraph to § 75.100 on page 15416. This action makes the necessary correction to insert the proper description of the amendment to § 75.100.

DATE: April 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Mr. Richard Huff, Airspace Regulations Branch (AAT-230), Airspace and Air Traffic Rules Division, Air Traffic Service, Federal Aviation Administration, 800 Independence Avenue SW., Washington, D.C. 20591, telephone 202-426-3715.

SUPPLEMENTARY INFORMATION: FR Doc. 78-9706 was published on April 13, 1978, (43 FR 15415) with an effective date of May 18, 1978, and altered Jet Routes 62, 97 and the Barnegat, N.J., control area; revoked Jet Routes 63, 153, the CODDS, HADDY, SHADS, TUNNA reporting points, the Bethany Beach, Del., Hog Island, Va., Nantucket, Mass., Narragansett, R.I., Patchogue, N.Y., Pendleton, Va., control areas and the Fire Island, N.Y., and South Island, N.Y., transition areas; and designated the North Atlantic Control Area. In the amendatory paragraph to § 75.100 "the TUNNA INT (INT of Kennedy, N.Y., 143° radial, 128NM from Kennedy) via Kennedy;" was inadvertently omitted. Therefore, action is taken herein to correct this error.

DRAFTING INFORMATION

The principal authors of this document are Mr. Richard Huff, Air Traffic Service, and Mr. Richard W. Danforth, Office of the Chief Counsel.

ADOPTION OF THE AMENDMENT

Accordingly, pursuant to the authority delegated to me by the Administrator, FR Doc. 78-9706, beginning on page 15415 in the FEDERAL REGISTER of April 13, 1978, under § 75.100 appearing on page 15416, in the first column, the second sentence of the amendatory language of § 75.100 is corrected to read as follows: "In Jet Route No. 63, 'the TUNNA INT (INT of Kennedy, N.Y., 143° radial, 128NM from Kennedy) via Kennedy;' is deleted and 'Kennedy, N.Y., via' is substituted therefor."

(Secs. 307(a), 313(a) 1110, Federal Aviation Act of 1958 (49 U.S.C. 1348(a), 1354(a) 1510; Executive Order 10854 (24 FR 9565); sec. 6(c), Department of Transportation Act (49 U.S.C. 1655(c)); 14 CFR 11.69).)

NOTE.—The FAA has determined that this document does not contain a major proposal requiring preparation of an Economic Impact Statement under Executive Order 11821, as amended by Executive Order 11949, and OMB Circular A-107.

Issued in Washington, D.C., on April 19, 1978.

WILLIAM E. BROADWATER,
Chief, Airspace and Air
Traffic Rules Division.

[FR Doc. 78-11411 Filed 4-26-78; 8:45 am]

[4910-14]

Title 33—Navigation and Navigable Waters

CHAPTER I—COAST GUARD, DEPARTMENT OF TRANSPORTATION

[CGD 77-117A]

PART 173—NUMBERING OF VESSELS

Leased or Chartered Vessels

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This amendment revises the vessel numbering regulations dealing with leased or chartered vessels. Congress amended the section of the Federal Boat Safety Act which permits the owner of a leased or chartered vessel to retain the certificate of number when the rental period is less than 24 hours. This period was increased to 7 days. The regulations are being amended to conform to this change in the statute.

EFFECTIVE DATE: This amendment is effective when published.

FOR FURTHER INFORMATION CONTACT:

Captain George K. Greiner, Marine Safety Council (G-CMC/81), Room 8117, Department of Transportation, Nassif Building, 400 Seventh Street SW, Washington, D.C. 20590, 202-426-1477.

SUPPLEMENTARY INFORMATION: Since this amendment changes the regulation to conform to a statutory change, notice and public comment are unnecessary and the rule may be made effective in less than 30 days. (5 U.S.C. 553)

DRAFTING INFORMATION

The principal persons involved in the drafting of this rulemaking are: Lt. D. R. Gauthier, Project Manager, Office of Boating Safety, and Lt. R. R. Meeks, Project Attorney, Office of the Boating Safety.

DISCUSSION OF AMENDMENT

Section 20 of the Federal Boat Safety Act of 1971 (46 U.S.C. 1469) permitted the owner of a vessel less than 26 feet in length, leased or rented for non-commercial use, to retain the certificate of number when the leased or rental period was less than 24 hours. 33 CFR 173.21(b) restates this provision in the numbering regulations. Pub. L. 94-531 amended Section 20 to increase the maximum lease or rental period to seven days. The restatement of this rule in 33 CFR 173.21(b) must therefore be amended to conform with the change in the statute. In preparing the above mentioned change it was noted that the definition of "Act" at § 173.3(a) did not include later amendments. This oversight is also being corrected. In consideration of the foregoing 33 CFR Part 173 is amended as follows:

(1) 33 CFR 173.3(a) is amended to read as follows:

§ 173.3 Definitions.

(a) "Act" means the Federal Boat Safety Act of 1971 as amended (85 Stat. 213; 46 U.S.C. 1451, et. seq.).

(2) 33 CFR 173.21(b) is amended to read as follows:

§ 173.21 Certificate of number required.

(b) Section 20(a) of the Act states in part: The certificate of numbers for vessels less than 26 feet in length and leased or rented to another for the latter's noncommercial use of less than seven days may be retained on shore by the vessel's owner or his representative at the place from which the vessel departs or returns to the possession of the owner or his representative.

(Sec. 20, Pub. L. 92-75, 85 Stat. 221 as amended Pub. L. 94-531, 90 Stat. 2490 (46 U.S.C. 1469); 49 CFR 1.46(n)(1).)

NOTE.—The Coast Guard has determined that this document does not contain a major proposal requiring preparation of an

Inflation Impact Statement under Executive Order 11821 and OMB Circular A-102.

O. W. SILER,
Admiral,
U.S. Coast Guard Commandant.

APRIL 19, 1978.

[FR Doc. 78-11493 Filed 4-26-78; 8:45 am]

[3640-01]

Title 35—Panama Canal

**CHAPTER I—CANAL ZONE
REGULATIONS**

**SUBCHAPTER E—EMPLOYMENT AND
COMPENSATION IN THE CANAL ZONE**

**PART 253—REGULATIONS OF THE
SECRETARY OF THE ARMY**

Subpart A—General Provisions

EXCLUSIONS

AGENCY: Canal Zone Civilian Personnel Policy Coordinating Board.

ACTION: Final rule.

SUMMARY: This document excludes intelligence positions, and scientific and technical positions involved in intelligence functions within the Department of Defense in the Canal Zone, from the Canal Zone Merit System. This exclusion corresponds to a Civil Service Commission Schedule A exception that is applicable to the Department of Defense elsewhere.

EFFECTIVE DATE: April 14, 1978.

FOR FURTHER INFORMATION CONTACT:

Col. Robert N. Crittenden, Office of the Assistant Secretary of the Army for Civil Works, Department of the Army, Washington, D.C. 20310, 202-695-7126.

Accordingly, 35 CFR 253.8 (c)(3), (c)(4) are amended to read as follows:

§ 253.8 Exclusions.

(3) Intelligence related positions in the Departments of Defense and Army that are excepted from the competitive service by 5 CFR 213.3106(d)(1), 213.3106(d)(2), and 3107(a)(5).

(4) [Reserved.]

Effective date: This amendment is effective April 14, 1978.

(2 C.Z.C. 142, 155, 76A Stat. 16, 19; 35 CFR 251.2(a)(1).)

Dated: April 10, 1978.

CLIFFORD L. ALEXANDER,
Secretary of the Army.

[FR Doc. 78-11375 Filed 4-26-78; 8:45 am]

[4310-10]

Title 43—Public Lands: Interior

**SUBTITLE A—OFFICE OF THE
SECRETARY OF THE INTERIOR**

**PART 4—DEPARTMENT HEARINGS
AND APPEALS PROCEDURES**

**Revision and Revocation of
Procedural Rules**

AGENCY: Office of Hearings and Appeals, Department of the Interior.

ACTION: Final rule.

SUMMARY: The Office of Hearings and Appeals is amending its procedural regulations to add a scope of authority paragraph for the newly created Board of Surface Mining and Reclamation Appeals and to delete the rules relating to mine health and safety hearings and appeals.

EFFECTIVE DATE: April 27, 1978.

FOR FURTHER INFORMATION CONTACT:

David B. Graham, Director, Office of Hearings and Appeals, Department of the Interior, 4015 Wilson Blvd., Arlington, Va. 22203, 703-557-1500.

SUPPLEMENTARY INFORMATION: The review functions under the Federal Coal Mine Health and Safety Act of 1969 which reposed with Administrative Law Judges and the Board of Mine Operations Appeals in the Department of the Interior were transferred from the Department to the newly created Federal Mine Safety and Health Review Commission, pursuant to the Federal Mine Safety and Health Act of 1977, 83 Stat. 742, 30 U.S.C. 801 et seq. The transfer was effective March 9, 1978. For that reason, the Department is removing Subpart F from 43 CFR Part 4. That subpart set forth special procedural rules applicable to mine health and safety hearings and appeals in the Department of the Interior.

The Surface Mining Control and Reclamation Act of 1977, 91 Stat. 445, 30 U.S.C. 1201 et seq., directs the Secretary of the Interior to implement that Act. To that end the Board of Surface Mining and Reclamation Appeals has been established and the regulation sets forth the scope of authority of that Board.

DRAFTING INFORMATION

The author of this regulation is Bruce R. Harris, Office of Hearings and Appeals.

Accordingly:

1. Paragraph (4) of 43 CFR 4.1 is revised to read:

§ 4.1 Scope of authority; applicable regulations.

(4) *Board of Surface Mining and Reclamation Appeals.* The Board performs finally for the Department the appellate and other review functions of the Secretary under the Surface Mining Control and Reclamation Act of 1977, 30 U.S.C. 1201 et seq.

§§ 4.500—4.666 (Subpart F) [Revoked].

2. Subpart F is revoked.

Dated: April 24, 1978.

JAMES O. JOSEPH,
Acting Secretary of the Interior.

[FR Doc. 78-11471 Filed 4-26-78; 8:45 am]

[4310-84]

CHAPTER II—BUREAU OF LAND MANAGEMENT, DEPARTMENT OF THE INTERIOR

ALASKA

Waiver of Regulations

AGENCY: Bureau of Land Management (Interior).

ACTION: Final rule.

SUMMARY: A general review of the Alaska Native Claims Settlement Act (ANCSA) by the Department of the Interior has concluded that certain publication requirements were inefficient to effective administration of the ANCSA. This waiver of the regulations eliminates the requirements to publish initial selection applications filed under sections 14(h) (1), (2), and (8) of the Alaska Native Claims Settlement Act.

EFFECTIVE DATE: April 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Beau McClure, 202-343-3078, or
Bob Sorenson, Bureau of Land Management, 555 Cordova Street, Pouch 7-512, Anchorage, Alaska 99510.

A general review by the Department of the Interior of implementation of the Alaska Native Claims Settlement Act was completed March 3, 1978. A decision reached in that review was that the regulations should be amended to eliminate the publication requirements on certain initial selection applications filed under section 14(h) of the Settlement Act, retaining publication of only the decision to issue conveyance. Pending revision of the regulations and in furtherance of the Department's efforts to improve the administration of the Settlement Act, a waiver of the regulations is appropriate.

It is hereby ordered. As authorized by the terms of 43 CFR 2650.0-8, that the requirements of 43 CFR 2653.5(h) and (i), 2653.6(a)(3), and 2653.9(d) to publish initial selection applications filed under sections 14(h) (1), (2), and (8) of the Alaska Native Claims Settlement Act are waived.

Dated: April 21, 1978.

JAMES A. JOSEPH,
Acting Secretary of the Interior.

[FR Doc. 78-11398 Filed 4-26-78; 8:45 am]

[4910-60]

Title 49—Transportation

[Docket HM-139; Amendments Nos. 172-42, 173-116, 174-30, 177-40, 178-46]

**HAZARDOUS MATERIALS
PACKAGING AND SHIPPING**

Conversion of Individual Exemptions to Regulations of General Applicability

AGENCY: Materials Transportation Bureau, DOT.

ACTION: Final rule.

SUMMARY: This action is being taken to incorporate into the Department's hazardous materials regulations a number of changes based on the data and analysis supplied in selected exemption applications, or from existing special permits and exemptions. The need for this action has been created by the public demand to make available new packaging and shipping alternatives that have proven themselves safe under the Department's special permit and exemption programs. The intended effect to these amendments is to provide wider access to the benefits of transportation innovations recognized and shown to be effective and safe.

EFFECTIVE DATE: April 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Alan I. Roberts, Director, Office of Hazardous Materials Operations, 2100 2nd Street SW., Washington, D.C. 20590, 426-0656.

SUPPLEMENTARY INFORMATION: On January 5, 1978, the Materials Transportation Bureau (MTB) published a notice of proposed rulemaking, docket HM-139; notice 77-9 (43 FR 983) which proposed these amendments. The background and the basis for incorporating these exemptions into the regulations were discussed in that notice. Interested persons were invited to give their views prior to the closing date of February 6, 1978. Primary drafters of this document are Darrell L. Raines and John C. Allen of the Office of hazardous Materials Op-

erations, Exemptions Branch, and Evan C. Braude, of the Office of the Chief Counsel, Research and Special Programs Directorate.

Numerous comments were received concerning the proposed amendments in notice 77-9. These comments and changes based on the comments are discussed under the applicable subject heading below.

1. *Empty tank car certifications.* Notice 77-9 proposed to amend § 173.29(f)(2) to authorize the return of empty tank cars, which have not been purged or cleaned and which previously contained a hazardous material, without the shippers certification required by § 172.204(a). Comments received on this proposal strongly supported the amendment but suggested that it would be better located in the shippers certification requirements contained in § 172.204. The Bureau agrees with these comments and the amendment has therefore been placed as new § 172.204(b)(2) rather than in the empty packaging requirements in § 173.29.

2. *Recovery drums for defective or leaking packages.* The proposals to amend parts 174 and 177 to allow rail and highway carriers to transport recovery drums containing defective or leaking packages were well received by the public. Nevertheless, a number of changes to these proposals were suggested.

The foremost suggestion was to add a new paragraph in § 173.3 to allow shippers of hazardous materials an opportunity to take advantage of the recovery drums when damaged or leaking packages are found in storage and warehousing operations. Since the intent of this proposed rule change is to authorize the safe disposition of damaged or leaking containers, whether held in storage by shippers or in transit by carriers, the Bureau agrees with the need to include provisions in part 173 for shippers. Consequently, a new § 173.3(c) has been added to the hazardous materials regulations to allow shippers to offer recovery drums containing damaged or leaking packages for transportation, but only for the purpose of eventual disposal or repackaging of the damaged or leaking packages.

Another suggested change to the recovery drum proposal that MTB has adopted is to allow a maximum 110-gallon drum rather than restrict the size to a 65-gallon drum. A number of commenters pointed out that it is often safer to use a larger size drum for effectively containing damaged or leaking packages, particularly those of 55 gallons capacity. Also, some of the specification drums authorized by the hazardous materials regulations can have a maximum capacity up to 110 gallons.

Finally, the mandatory requirement in the proposed amendment to provide

cushioning and absorbent material has been deleted. Instead, the use of cushioning and absorbent material is left to the discretion of the person preparing the shipment of the damaged package in the recovery drum. It has been pointed out repeatedly by commenters that the required use of such material in all situations could result in a danger to the personal safety of those who perform the loading and unloading of the recovery drum which is stuffed with cushioning and absorbent material saturated with the hazardous material inside. Since the recovery drum must be closed adequately to prevent leakage during transportation, MTB sees no reason why the cushioning and absorbent material should be mandatorily required in all cases.

To summarize, these amendments contain provisions in § 173.3(c), § 174.48, and § 177.854(c) authorizing the use of recovery drums up to 110 gallons for shipping defective or leaking packages without mandatory requirements to provide cushioning and absorbent material.

3. *Packagings for nitro carbo nitrate.* Notice 77-9 contained two proposed amendments to § 173.182(c) to authorize new packagings for nitro carbo nitrate. One proposal was to authorize nitro carbo nitrate in all plastic bags or plastic lined bags with a maximum net weight of 100 pounds subject to some additional requirements. A change has been made in the wording of § 173.182(c)(5) by deleting the reference to § 178.241-3 for bag closures because § 178.241-4 makes reference to sifting which includes the bag closure. In addition, § 173.241-3 is not applicable to the plastic lined bags.

The second proposal is to add § 173.182(c)(6) to authorize nitro carbo nitrate in bulk hopper-type tanks equipped with mechanical unloading devices. After further consideration of the comments received on this proposal and based upon further review of DOT exemptions 4453 and 5206, the Bureau has decided to withdraw this proposed amendment from consideration under HM-139 at this time.

4. *"Nurse tanks" used for anhydrous ammonia.* Eight commenters recommended various changes to the proposed amendment of § 173.315(m) which was based on DOT-E 7900-N. The proposal was to authorize private carriage of anhydrous ammonia, for agricultural purposes, under certain specified conditions in non-DOT specification "nurse tanks" which have a minimum design pressure of 250 psig.

One commenter recommended that the cargo tank be further identified by including the words "commonly known as implements of husbandry." The Bureau concurs and has gone one step further and included the words "nurse tanks" so as to avoid any confusion as to the type of tanks in ques-

tion and their intended use. Also, as recommended, the words "and is securely mounted on a farm wagon," have been added as paragraph 6 of the final amendment.

Two commenters recommended that "portable tank" be added after the words cargo tank. The Bureau does not concur with this recommendation because the "nurse tanks" in question meet the definition of a cargo tank. It was not the intent of the notice of proposed rulemaking nor is it our intention at this time to include portable tanks which do not fully comply with DOT specification 51 in the exception.

One commenter recommended that the proposed wording in paragraph 5 be changed to refer to the table in § 173.315(a)(1) instead of the specific maximum filling density of 56 percent by weight. Although note 5 of § 173.315(a)(1) authorizes certain tanks to be filled to 87.5 percent by volume, under certain temperature conditions; the maximum percent by weight is still 56 percent. In view of the above, no change has been made regarding filling density.

Several commenters objected to the proposed wording of paragraphs 6 and 7 pertaining to maximum speed and hours of operation.

In view of the comments received, and upon further consideration, the Bureau agrees that the exercise of requirements relative to maximum speeds and hours of operation should be the responsibility of State and local jurisdictions that have different requirements pertaining to the operation of implements of husbandry. Therefore, the proposed requirements pertaining to maximum speed and hours of operation have not been adopted.

5. *Increase in capacity for specification 4D cylinders.* An increase in the maximum authorized capacity for the 4D cylinder from 1,100 cubic inches to 100 pounds water capacity (2,575 cubic inches) was proposed based on successful shipping experience under DOT exemption 4239. The few comments received on this proposal supported such an amendment. The Bureau believes that some additional changes to § 178.53 should be made with respect to independent test requirements and wall thickness for the larger 4D cylinders.

Section 178.53-3 requires an independent inspection agency to inspect 4D cylinders except those manufactured in the United States which may be inspected by a competent inspector of the cylinder manufacturer. A provision has been added to § 178.53-3 to also require an independent inspection of 4D cylinders manufactured in the United States when the capacity is greater than the previously authorized 1,100 cubic inches.

Section 178.53-9(a) requires a minimum wall thickness of 0.040 inch for

4D cylinders. A new sentence has been added to that section to require a minimum wall thickness of 0.095 inch for 4D cylinders having a capacity greater than the previously authorized 1,100 cubic inches. This minimum wall requirement is consistent with the provisions of DOT-E 4239.

6. *Miscellaneous changes and comments.* Several other changes have been made to certain proposed amendments based on public comments or on the Bureau's own initiative. The proposals to include certain insulated bulk containers for flammable solids in §§ 173.154(a) (16) and (17) have been amended to delete authorization for shipment by cargo vessel. This change is based on recommendations of the U.S. Coast Guard and on the fact that cargo vessel was not previously authorized under DOT-E 7480 (the exemption upon which the rule change is based).

The proposal to add DOT specification 21C fiber drum as an authorized container for picric acid, wet, with not less than 10 percent water, in § 173.193 has been changed. Additional provisions to insure that the package will be vapor tight to prevent loss of moisture have been added. These provisions were part of the exemption (DOT-E 6427) previously authorizing the 21 C fiber drum for picric acid.

Notice 77-9 proposed a change to § 173.217(b) to authorize plastic "packagings" not over 10 pounds capacity rather than plastic "bottles" as an inside container to qualify for certain exceptions from the hazardous materials regulations for dry calcium hypochlorite mixtures and other specified oxidizers. The Bureau believes the word "packaging" is not specific enough since the exemption behind this rule change authorized only plastic "drums." Consequently, "plastic packagings" contained in notice 77-9 has been changed in § 173.217(b) to "plastic bottles or drums."

In consideration of the foregoing, 49 CFR Parts 172, 173, 174, 177, and 178 are amended as follows:

PART 172—HAZARDOUS MATERIALS TABLE AND HAZARD MATERIALS COMMUNICATION REGULATIONS

1. In § 172.204 paragraph (b) is revised to read as follows:

§ 172.204 Shipper's certification.

(b) *Exceptions.* (1) No certification is required for hazardous materials offered for transportation by highway that is transported—

(i) In a cargo tank supplied by the carrier, or

(ii) By the shipper as a private carrier except for a hazardous material

that is to be reshipped or transferred from one carrier to another.

(2) No certification is required for the return of an empty tank car which previously contained a hazardous material and which has not been cleaned or purged.

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

2. In § 173.3 paragraph (c) is added to read as follows:

§ 173.3 Packaging and exceptions.

(c) Packages, other than freight containers, overpacks, portable tanks, cargo tanks and tank cars, that are damaged or leaking and which contain corrosive liquids, corrosive solids, flammable liquids, flammable solids, oxidizers, poison B liquids, poison B solids, or irritating agents may be placed inside a DOT specification drum that is compatible with the lading, provided with adequate closures and, when necessary and appropriate, provided with sufficient cushioning and absorption material to prevent excessive movement of the inner containers and to absorb leaking liquid. Alternatively, a non-DOT specification drum, not exceeding 110-gallon capacity, having equal or greater structural integrity than that prescribed in this subchapter for the respective material, may be used as a recovery drum. Either drum is authorized only for the purpose of shipping damage, or defective packages to a facility for disposal or repackaging.

3. In § 173.148 paragraph (a)(5) is revised and paragraph (a)(6) is added to read as follows:

§ 173.148 Monoethylamine.

(a) * * *

(5) Tank motor vehicles as prescribed in § 173.119(f)(5).

(6) Specification 51 (§ 178.245 of this subchapter). *Portable tanks.* Tanks must have no bottom opening, except one 3-inch maximum plugged opening for maintenance purposes is authorized.

4. In § 173.154 paragraph (a)(14) is revised and paragraphs (a)(17) and (a)(18) are added to read as follows:

§ 173.154 Flammable solids, organic peroxide solids, and oxidizers not specifically provided for.

(a) * * *

(14) Specification 12B (§ 178.205 of this subchapter). Fiberboard boxes

with inside polyethylene bottles not over 1-gallon capacity each or polyethylene jars not over 9 pints capacity each. Each jar shall contain not more than 10 pounds net weight of product. Not more than four bottles or jars may be packed in one outside container. Authorized only for materials which will not cause decomposition of polyethylene or container failure.

(17) Specification 103ALW or 111A60ALW (§§ 179.200, 179.201 of this subchapter). Insulated tank cars designed for operation at temperatures up to 250° F. Authorized only for ammonium nitrate with 15 percent or more water in solution at a maximum temperature of 240° F. Transportation by water is not authorized.

(18) Specification MC 307 or MC 311 (§§ 178.340, 178.342 of this subchapter). Insulated tank motor vehicles designed for operation at temperatures up to 250° F. Authorized only for ammonium nitrate with 15 percent or more water in solution at a maximum temperature of 240° F. Transportation by water is not authorized.

5. In § 173.182 paragraph (c)(5) is added to read as follows:

§ 173.182 Nitrates.

(c) * * *

(5) In all plastic bags or in plastic lined bags having a maximum authorized net weight of 100 pounds. All bags must be capable of withstanding the test requirements of § 178.241-4 of this subchapter. Bags other than cross laminated valeron must be at least 4-mils thick. Bags as described above may be overpacked in a spiral fiber tube of 5-ply construction which is closed at one end by a tapered crimp or an insert closure and open at the other end except for a single strand of tape which serves both as a closure and as a lowering tape.

6. In § 173.193 paragraph (a)(2) is added to read as follows:

§ 173.193 Picric acid, trinitrobenzoic acid, or urea nitrate, wet.

(a) * * *

(2) Specification 21C (§ 178.224 of this subchapter). Fiber drums of not over 6½ gallons capacity with one inside 5-mil polyethylene bag. Drum must be made vapor tight through the installation of a 7-mil polyethylene interior lining, plus 1½ mil of polyethylene buried in the inside ply of the drum. The full open head of the container must be made vapor tight by the use of a 24-gauge metal lid with a 10-mil preformed sealing disc glued to the rubber gasket cover and locked with a lever type locking ring and a

pilfer proof seal. The net weight of the dry material shall not exceed 25 pounds.

7. In § 173.217 paragraph (b) is revised to read as follows:

§ 173.217 Calcium hypochlorite mixture, dry; lithium hypochlorite mixture, dry; mono(trichloro) tetra-(monopotassium dichloro)-penta-s-triazinetriene, dry; potassium dichloro-s-triazinetriene, dry; sodium dichloro-s-triazinetriene, dry; trichloro-s-triazinetriene, dry.

(b) Limited quantities of these materials in strong outside wooden or fiberboard packages with inside packagings of glass not over 5 pounds capacity each, or with inside metal packagings or plastic bottles or drums not over 10 pounds capacity each, are excepted from labeling (except labeling is required for transportation by air) and the specification packaging requirements of this subchapter. In addition, shipments are not subject to subpart F of part 172 of this subchapter, to part 174 of this subchapter except § 174.24 and to part 177 of this subchapter except § 177.817.

8. In § 173.245 paragraph (a)(27) is revised to read as follows:

§ 173.245 Corrosive liquids not specifically provided for.

(a) * * *

(27) Specification 33A (§ 178.150 of this subchapter). Polystyrene case (nonreusable container) with inside glass bottles not over 5-pint capacity each. Not more than four 5-pint bottles may be packed in one outside packaging.

9. In § 173.266 paragraph (b)(7) is revised to read as follows:

§ 173.266 Hydrogen peroxide solution in water.

(b) * * *

(7) Specification 21P (§ 178.225 of this subchapter). Fiber drum overpack with inside specification 2SL (§ 178.35a of this subchapter) polyethylene container not over 55-gallon capacity, or specification 2U (§ 178.24 of this subchapter) polyethylene container not over 15-gallon capacity. The closure of the inside 2SL and 2U container must be vented to prevent accumulation of internal pressure and the head with the closure must be marked "Keep This End Up" or "Keep Plug Up To Prevent Spillage."

10. In § 173.268 paragraph (b)(6) is added and paragraph (f)(6) is deleted to read as follows:

§ 173.268 Nitric acid.

.....
(b) * * *
(6) Specification 33A (§ 178.150 of this subchapter). Polystyrene case (nonreusable container) with inside glass bottles not over 5-pint capacity each. Not more than four 5-pint bottles may be packed in one outside packaging.

.....
(f) * * *
(6) [Deleted]

11. In § 173.302 paragraph (a)(3) is revised to read as follows:

§ 173.302 Charging of cylinders with nonliquefied compressed gases.

(a) * * *
(3) Specification 3AX, 3AAX, or 3T (§§ 178.36, 178.37, 178.45 of this subchapter) cylinders are authorized only for the following nonliquefied gases: Air, argon, boron trifluoride, carbon monoxide, ethane, ethylene, helium, hydrogen, methane, neon, nitrogen, or oxygen, except that specification 3T is not authorized for hydrogen.

.....
12. In § 173.315 paragraph (m) is added to read as follows:

§ 173.315 Compressed gases in cargo tanks and portable tank containers.

.....
(m) A cargo tank (commonly known as a nurse tank and considered an implement of husbandry) transporting anhydrous ammonia, and operated by a private carrier exclusively for agricultural purposes does not have to meet the specification requirements of Part 178 of this subchapter if it:

- (1) Has a minimum design pressure of 250 psig and meets the requirements of the edition of the ASME code in effect at the time it was manufactured and is marked accordingly;
- (2) Is equipped with safety relief valves meeting the requirements of CGA pamphlet S1.2;
- (3) Is painted white or aluminum;
- (4) Has capacity of 3,000 gallons or less;
- (5) Is loaded to a filling density no greater than 56 percent; and
- (6) Is securely mounted on a farm wagon.

13. In § 173.369 the introductory text of paragraph (a)(14) is revised to read as follows:

§ 173.369 Carbolic acid (phenol), not liquid.

(a) * * *

(14) Specifications MC 300, MC 301, MC 302, MC 303, MC 305, MC 306, MC 307, MC 310, MC 311, or MC 312 (§§ 178.341, 178.342, 178.343 of this subchapter). Tank motor vehicles.

.....
14. In § 173.995 paragraphs (a)(3) and (a)(4) are revised, and (a)(5) and (c) are added to read as follows:

§ 173.995 Fish scrap and fish meal.

(a) * * *
(3) Polyethylene-lined burlap or paper bag;
(4) Rail car; or
(5) Freight container.

.....
(c) When fish scrap or fish meal is offered for transportation by vessel in bulk in freight containers the following additional requirements must be met:

- (1) The fish meal must contain at least 100 ppm antioxidant (ethoxyquin) at the time of shipment.
- (2) Each shipment must be accompanied by a statement in which the shipper certifies:
(i) The moisture content of the fish meal;
(ii) The concentration of antioxidant (ethoxyquin) in the material in ppm at the time of loading into the freight container;
(iii) The fat content of the fish meal;
(iv) Date and place of production of the fish meal and
(v) The physical state of the material (ground, pelletized, or mixture).

PART 174—CARRIAGE BY RAIL

15. In § 174.47 paragraphs (a) and (b) are revised to read as follows:

§ 174.47 Correction of violations.

(a) A shipment of explosives discovered to be in violation of any of the requirements of this subchapter may not be forwarded until all discovered violations have been corrected.
(b) Unless leaking, or in a manifestly insecure condition, each package of hazardous materials other than explosives in transit must be forwarded to its destination and a report made of any violation observed.

16. Section 174.48 is added to read as follows:

§ 174.48 Leaking packages other than tank cars.

(a) Leaking packages other than tank cars may not be forwarded until repaired or reconditioned. Leaking or defective packages may be overpacked as required by paragraph (b) of this section. (See §§ 171.15 and 171.16 of this subchapter for reporting requirements.)

(b) During transit, damaged or leaking packages which contain corrosive liquids, corrosive solids, flammable liquids, flammable solids, oxidizing materials, poison B liquids, poison B solids, or irritating agents may be placed inside a DOT specification drum that is compatible with the lading, provided with adequate closures and, when necessary and appropriate, provided with sufficient cushioning and absorption material to prevent movement of the inner containers and to absorb leaking liquid. Alternatively, a non-DOT specification drum, not exceeding 110-gallon capacity having equal or greater structural integrity than that prescribed in this subchapter for the respective material, may be used as a recovery drum. Either drum may be forwarded to destination or returned to the shipper for disposal or repackaging.

PART 177—CARRIAGE BY PUBLIC HIGHWAY

17. In § 177.854 paragraph (c) and the introductory text of paragraph (d) are revised to read as follows:

§ 177.854 Disabled vehicles and broken or leaking packages; repairs.

.....
(c) *Repairing or overpacking packages.* (1) Packages may be repaired when safe and practicable, such repairing to be in accordance with the best and safest practice known and available.

(2) During transit, damaged or leaking packages which contain corrosive liquids, corrosive solids, flammable liquids, flammable solids, oxidizing materials, poison B liquids, poison B solids, or irritating agents may be placed inside a DOT specification drum that is compatible with the lading, provided with adequate closures and, when necessary and appropriate, provided with sufficient cushioning and absorption material to prevent excessive movement of the inner containers and to absorb leaking liquid. Alternatively, a non-DOT specification drum, not exceeding 110-gallon capacity, having equal or greater structural integrity than that prescribed in this subchapter for the respective material, may be used as a recovery drum. Either drum may be forwarded to destination or returned to the shipper for disposal or repackaging.

(d) *Transportation of repaired packages.* Any package repaired in accordance with the requirements of paragraph (c)(1) of this section, except as provided in §§ 177.855(c), 177.856(c), and 177.858(b), may be transported to the nearest place at which it may

safely be disposed of only in compliance with the following requirements.

PART 178—SHIPPING CONTAINER SPECIFICATIONS

18. In § 178.53, §§ 178.53-2(a), 178.53-3, and 178.53-9(a) are revised to read as follows:

§ 178.53 Specification 4D; inside containers, welded steel for aircraft use.

§ 178.53-2 Type, size, and service pressure.

(a) *Type and size.* Welded steel spheres (two seamless hemispheres) or circumferentially welded cylinders (two seamless drawn shells) not over 100 pounds water capacity. Cylinders closed in by spinning process not authorized.

§ 178.53-3 Inspection by whom and where.

Inspections and verifications must be performed by an independent inspection agency approved in writing by the Director, Office of Hazardous Materials Operations (OHMO), in accordance with § 173.300a of this subchapter or, in the case of cylinders manufactured in the United States and having a water capacity not exceeding 1,100 cubic inches, inspections may be performed by a competent inspector of the manufacturer. Chemical analyses and tests must be made within the United States unless otherwise approved in writing by the Director, OHMO, in accordance with § 173.300b of this subchapter.

§ 178.53-9 Wall thickness.

(a) The wall stress at minimum test pressure shall not exceed 24,000 pounds per square inch, except where steels commercially known as 4130X, type 304, 316, 321, and 347 stainless steels are used, stress at test pressures shall not exceed 37,000 pounds per square inch. Minimum wall for any container having a capacity of 1,100 cubic inches or less is 0.40 inch. Minimum wall for any container having a capacity in excess of 1,100 cubic inches is 0.095 inch.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e)).

NOTE.—The Materials Transportation Bureau has determined that this document does not contain a major proposal requiring preparation of an economic impact statement under Executive Order 11821 and OMB Circular A-107.

RULES AND REGULATIONS

Issued in Washington, D.C., on April 21, 1978.

L. D. SANTMAN,
Acting Director,
Materials Transportation Bureau.
[FR Doc. 78-11462 Filed 4-26-78; 8:45 am]

[4910-60]

CHAPTER I—MATERIALS TRANSPORTATION BUREAU, DEPARTMENT OF TRANSPORTATION

[Docket No. HM-139 Amdt. Nos. 173-114, 179-221]

PART 173—SHIPPERS—GENERAL REQUIREMENTS FOR SHIPMENTS AND PACKAGINGS

PART 179—SPECIFICATIONS FOR TANK CARS

Conversion of Individual Exemptions to Regulations of General Applicability; Correction

AGENCY: Materials Transportation Bureau, Department of Transportation.

ACTION: Final rule; correction.

SUMMARY: This document corrects a final rule on the effective date for compliance with 49 CFR 179.200-18 and 179.201-1 and corrects Note 24 to read Note 25 in 49 CFR 173.314(c) which begins on page 8519 of the FEDERAL REGISTER of March 2, 1978.

EFFECTIVE DATE: March 2, 1978, except that mandatory compliance with 49 CFR 179.200-18 and 179.201-1 is January 1, 1979.

FOR FURTHER INFORMATION CONTACT:

Mr. Alan I. Roberts, Director, Office of Hazardous Materials Operations, 2100 Second Street, SW., Washington, D.C. 20590, 202-426-0656.

SUPPLEMENTARY INFORMATION: In FR Docket 78-5410 beginning on page 8519 in the FEDERAL REGISTER of March 2, 1978, in item 8, § 173.314(c), column 3 is amended by changing Note 24 to read Note 25, each time it appears; Note 24 is renumbered Note 25.

(49 U.S.C. 1803, 1804, 1808; 49 CFR 1.53(e)).

Issued in Washington, D.C., on April 20, 1978.

L. D. SANTMAN,
Acting Director,
Materials Transportation Bureau.
[FR Doc. 78-11463 Filed 4-26-78; 8:45 am]

[4910-59]

CHAPTER V—NATIONAL HIGHWAY TRAFFIC SAFETY ADMINISTRATION, DEPARTMENT OF TRANSPORTATION

[Docket No. 71-7; Notice 101]

PART 571—FEDERAL MOTOR VEHICLE SAFETY STANDARDS

Truck-Camper Loading

AGENCY: National Highway Traffic Safety Administration, DOT.

ACTION: Final rule.

SUMMARY: This notice amends Standard No. 126, Truck-Camper Loading, by removing the requirement that a camper's vehicle identification number (VIN) be printed in its owner's manual. Such a modification will reduce the cost of compliance with the standard, without adversely affecting the level of safety prescribed. This action is being taken in response to a request by the Recreation Vehicle Industry Association.

EFFECTIVE DATE: April 27, 1978.

FOR FURTHER INFORMATION CONTACT:

Kevin Cavey, Crash Avoidance Division, Office of Vehicle Safety Standards, National Highway Traffic Safety Administration, 400 Seventh Street SW., Washington, D.C. 20590, 202-426-2716.

SUPPLEMENTARY INFORMATION: On November 29, 1973, the NHTSA issued a notice proposing to amend Standard No. 126, Truck-Camper Loading, to remove the requirement that the vehicle identification number (VIN) of each camper be printed in its owner's manual (38 FR 32945). The amendment, requested by the Recreation Vehicle Industry Association, was proposed to reduce the burdens and costs associated with compliance with the requirement.

Comments were received from Ford, the Recreation Vehicle Industry Association, and the Recreational Vehicle Division of the Trailer Coach Association. The Vehicle Equipment Safety Commission did not submit comments.

The three comments received supported the suggested modification. Some commenters asserted that the requirement added little to vehicle safety while resulting in increased costs and the increased possibility of errors associated with inserting the incorrect VIN in an owner's manual. The NHTSA concurs with the commenters and concludes that the intent of the requirement can be achieved by permitting a manufacturer to state in the owner's manual that the VIN can be found by referring to the camper's cer-